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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/840,044	05/07/2004	Chung-Sen Wu	PUSA040440	9304
7590	11/17/2004		EXAMINER	
Chung-Sen Wu 58, MA YUAN WEST ST. TAICHUNG, TAIWAN			SALDANO, LISA M	
			ART UNIT	PAPER NUMBER
			3673	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/840,044	WU, CHUNG-SEN <i>CH</i>
	<b>Examiner</b>	<b>Art Unit</b>
	Lisa M. Saldano	3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 May 2004.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 3-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turk (5,113,537) in view of Bretz (4,977,631) and Westrich (5,035,012).

Regarding claims 1 and 3, Turk discloses a portable sleeping unit comprising a collapsible or foldable hammock (see Figs.1&2). The sleeping unit comprises two bottom frames 12,14 and two A-shaped side frames 16. The A-shaped side frames include two upright rods 26,28 with lower ends pivotally mounted to the ends of each of the bottom frames. Turk further discloses the use of two cover pieces 54,70 that together function as a canopy.

Regarding claim 5, Turk discloses a portable sleeping unit wherein the two side frames are arranged in an inclined manner.

Regarding claim 6, Turk discloses a portable sleeping unit wherein the upright rods are connected to each other.

Regarding claim 8, Turk discloses a joint at hinge 30 whereby the upright rods are connected and an eyebolt 40 that serves as a hanging hook mounted on the joint (see Fig.3).

Regarding claims 9 and 10, Turk's hammock is capable of functioning as a swing chair or a soft bed. The invention is capable of functioning as a chair when the covers 54,70 have been removed.

However, Turk fails to disclose that the bottom frames comprise retractable tubes. Turk also fails to disclose a protruding socket on the side frames.

Bretz discloses a device for suspending a mattress or the like (see abstract and Figs.1-3). Bretz discloses that the base frame B comprises various telescopic or retractable members held together by lock pins 44 that are selectively engaged in punch holes 46 (see column 3, lines 47-55 and Figs.1&2). Bretz discloses that the telescopic members afford the convenience of adjusting the length and the width of the base frame. Bretz discloses longitudinal bottom frames (28,30) that comprise fixed tubes (40,42) with retractable tubes (32,34,36,38).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the bottom frame of Turk's sleeping device to comprise bottom frame members that are retractable, as taught by Bretz, because Bretz teaches that the incorporation of telescopic members in the base affords length adjustability of the device. This is desirable, because the base frame of Turk as modified by Bretz could then be used as the user, specifically a child, grows by merely elongating the base and providing a mattress, hammock or like body support surface that can be supported by the elongated frame.

Westrich discloses a portable hammock kit and improved portable hammock comprising two A-shaped side frames (LAL,LAR), a hammock bed HB, protruding legs 16 that function as sockets (see Fig.4) for receiving a crossover member CO, which supports a canopy C (see Figs.11, 12,14C and 14b).

Regarding claim 4, Westrich's sockets are directed toward each other (see Figs.1&2).

Regarding claim 7, Westrich's canopy is mounted on the two sides frames whereby the canopy's crossover member is inserted into sockets in the side frames.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Turk to comprise a protruding socket for accepting a crossover member that supports a canopy, as taught by Westrich, because both the Turk and Westrich inventions comprise a cover over the main supporting surface of the invention. Westrich merely teaches a different design for providing a cover to the invention. Furthermore, after modifying the Turk invention to comprise a protruding socket and canopy, as taught by Westrich, the invention could be provided by any manner of covering, including the netting and weather resistant covers taught by Turk.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Turk, Bretz, and Westrich, as applied to claim 1 above, and further in view of Anderson (5,297,302).

Turk, Bretz and Westrich disclose the features as described above. Specifically, Turk discloses a portable sleeping unit comprising a collapsible or foldable hammock (see Figs.1&2). Bretz discloses a device for suspending a mattress or the like (see abstract and Figs.1-3). Bretz discloses that the base frame B comprises various telescopic or retractable members held together by lock pins 44 that are selectively engaged in punch holes 46 (see column 3, lines 47-55 and Figs.1&2).

However, Turk, Bretz and Westrich fail to disclose that the members are provided with a spring-biased protruding locking boss detachably locked in the locking holes.

Anderson discloses a hammock stand comprising tubes 60,61 that are detachably connected to each other via associated holes 80 and spring-loaded ball 81 (see Fig.4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the bottom frame members of Turk's device to comprise detachable tube members for collapsibility and length adjustability. Turk discloses that the invention is collapsible.

Anderson's teaching of providing multiple members that are connected via holes and spring loaded balls provides even more collapsibility of the invention and thereby make it even easier to transport. Furthermore, Westrich provides even further motivation for applying this feature, as it further assists in making the invention length adjustable.

4. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turk, Bretz, and Westrich, as applied to claim 8 above, and further in view of Combest (6,019,427).

Turk, Bretz and Westrich disclose the features as described above. Specifically, Turk discloses a portable sleeping unit comprising a collapsible or foldable hammock (see Figs.1&2).

However, Turk, Bretz and Westrich fail to disclose that the invention may comprise a swing seat.

Regarding claims 11 and 12, Combest discloses a foldable and transportable swing/support surface that is supported by collapsible and transportable framework (see abstract). Combest discloses that the swing 80 comprises a foldable chair provided with two ropes or chains 23 suspended off hooks 22 (see Fig.2). The swing/support surface includes a seat 82 and backrest 81 that are pivotally mounted to one another. The invention further comprises linking levers 83,84.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Turk to comprise a swing/support surface with seat and back, as taught by Combest, because both Turk and Combest disclose collapsible and suspended support surface used for resting a body. It would be obvious to provide a swing seat, such as Combest's seat on the invention of Turk instead of simple a hammock, because swing seats are often used, particularly for children, as a means of entertainment. Provision of a swing seat in addition to the hammock for connection to the base frame makes the invention of Turk useful for more types of activities.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hsieh (5,740,570), Wu (6,467,109), Woo (4,691,394), Cramer et al (3,524,673) and Cheng (5,040,253) disclose features that are pertinent to the present application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa M. Saldano whose telephone number is 703-605-1167. The examiner can normally be reached on Monday-Friday, 8:30am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on 703-308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3673

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lms



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